

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN LEMONS,

Plaintiff,

v.

VERITY CREDIT UNION,

Defendants.

CASE NO. C10-1104MJP

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND

Plaintiff has filed a civil complaint with this court. The Court, having reviewed the complaint and record, does hereby find and ORDER that the complaint is defective for the following reasons:

(1) Rule 8(a) of the Federal Rules of Civil Procedure provides that

A pleading which sets forth a claim for relief . . . shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. . . .

Fed. R. Civ. P. 8(a).

Plaintiff's complaint does not comply with the requirements set forth in Rule 8(a). If plaintiff wishes to proceed with this action, he must specifically identify the basis for this Court's jurisdiction.

Although it is clear enough that Plaintiff believes he has been defrauded by Defendant Verity Credit Union, it is not clear on what basis he believes that this Court has jurisdiction to hear his claim. He

ORDER DECLINING TO SERVE AND
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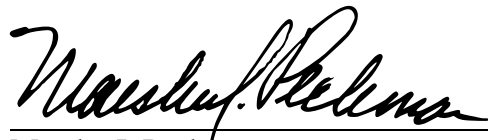
1 identifies no federal statute or federal constitutional claim which would allow this Court to consider
2 his request for relief.

3 (2) Plaintiff may file an amended complaint curing the above-mentioned deficiencies
4 within thirty days of the date on which this Order is signed. The amended complaint must be legible
5 and must be sufficiently clear to produce a readable scanned image. In addition, the amended
6 complaint must carry the same case number as this one. If no amended complaint is timely filed, the
7 Court will recommend that this matter be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

8 Plaintiff is advised that an amended pleading operates as a *complete* substitute for an original
9 pleading. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.) (citing *Hal Roach Studios, Inc. v.*
10 *Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended), *cert. denied*, 506 U.S.
11 915 (1992)). Thus, if plaintiff chooses to file an amended complaint, the Court will not consider his
12 original complaint.

13 (3) The Clerk is directed to send plaintiff the appropriate forms so that he may file an
14 amended complaint. The Clerk is further directed to send copies of this Order, and of the General
15 Order, to plaintiff.

16 DATED this 22nd day of July, 2010.

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19 Marsha J. Pechman
20 U.S. District Judge
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